IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 18TH MAY 2007 / 28TH VAISAKHA 1929

Crl.MC.No. 1596 of 2007()

CC.211/2006 of JUDL. MAGISTRATE OF FIRST CLASS, KASARAGOD

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PETITIONER: ACCUSED NO.2.

C.H.ABDULLA KUNHI, AGED 36 YEARS,
S/O. ASSAINAR, JUMA MASJID ROAD, CHERKALA,
CHENGALA P.O., KASARAGOD TALUK, KASARAGOD DISTRICT.

BY ADV. SRI.M.SASINDRAN
SRI.K.P.HARISH

RESPONDENT: COMPLAINANT.

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. C.M. KAMMAPPU

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

Crl.M.C.NO.1580 OF 2007

Dated this the 18th day of May 2007

ORDER

The petitioner is the 2nd accused in C.C. No. 1768 of 2002 of the Additional Chief Judicial Magistrate Court, Ernakulam with respect to the offences under Sections 188 and 379 of Indian Penal Code. It is submitted that he was not served with any summons and hence he could not appear before the court below. It is apprehended that there will be an order of pre-trial detention on his appearance. Hence he has sought for a direction to the court below that he may not be ordered to be detained on his appearance.

In the circumstances, the petitioner is directed to surrender before the court below within two weeks from today and file an application for bail. Non-bailable warrant is not to be executed in the meantime. Pre-trial detention is not required. The court below shall as far as possible dispose of the application for bail on the date of appearance of the petitioner itself. The Crl.M.C is disposed of accordingly.

K.R.UDAYABHANU
JUDGE

rv/